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April 11, 2008

Stephen Wiley
City Attorney
City of Santa Barbara
P.O. Box 1990
Santa Barbara, CA 93105
By Hand

Re. 1809 Stanwood

Dear Steve,

I would like to summarize where I believe we are today on this matter and to provide you with new information we now have that could help us find a way to facilitate the issuance of a permit for the repair of my client's home at 1809 Stanwood.

You have previously made reference to the Conejo Landslide Ordinance as not allowing the "reconstruction" of Ms. Dye's home. We have never proposed reconstruction of her home and do not dispute that the reconstruction¹ of a new home in place of an existing home might not be allowed under the ordinance. The plans submitted in August of 2007 depict rehabilitation techniques which have been used by other Conejo Road Landslide properties and countless other rehabilitation projects sponsored or permitted by the City. Rehabilitation projects by City definition² are accomplished through repair or alteration of (and additions to) an existing structure.

I have read references in the City files that Linda's home is so dilapidated and deteriorated that it necessitates prohibited "reconstruction." If the structure were not subject to the provisions of the City adopted State Historic Building Code (SHBC) this might have some applicability, but as I think you now agree,

¹ **SECTION 8-219 . RECONSTRUCTION.** The act or process of depicting, by means of new construction, the form, features, and detailing of a nonsurviving site, landscape, building, structure or object for the purpose of replicating its appearance at a specific period of time.

² **REHABILITATION.** The act or process of making possible a compatible use for a property, building or structure through repair, alterations and additions while preserving those portions or features which convey its historical, cultural, or architectural values.



the City's Historic Landmarks Committee July 25, 2007 action adding Linda's home to a City inventory of potential Structures of Merit and acceptance of the Historic Report eligibility findings clearly affirms Linda's right to use the SHBC in performing repairs without resorting to a reconstruction project.

There are statements by Mr. Estrella that replacement of a post and pier foundation with a continuous perimeter foundation is not what the Conejo ordinance intended in allowing "routine repairs." We not only disagree, but have now completed research into this, confirming that the very City department head, building division managers, supervisors and plan check engineers who wrote, implemented, amended and made the ordinance permanent, view the work depicted in the plans submitted by Ms. Dye as "routine repairs."

The City's acceptance of such work as routine repairs is further demonstrated in their approval of foundation building permits at other Conejo Landslide affected properties. Mr. Estrella is simply mistaken about what constitutes an exempt "routine repair" and the plans submitted to his office depict what Ms. Dye should be allowed to complete as rehabilitation.

As to the rehabilitation work the plans depict and/or will entail:

1. a perimeter foundation within the original building footprint,
2. three replacement floor beams (for the five sets of floor girders supported by piers that were removed) with addition of secondary floor joists beside or below the existing floor joists,
3. shear paneling added to the interior of the perimeter walls to provide added lateral bracing of these walls,
4. patching of deteriorated floor boards and replacement roof eaves-rafter tails/sheathing typical routine work performed during the reproofing of older homes,
5. replacement of two non-habitable porches,
6. replacement of two windows (of similar or like kind) within their existing openings,
7. removal and replacement of the interior wall-ceiling finishes,
8. removal and replacement of the existing mineral roofing,
9. repair/reconnection of the existing utilities present and serving the property,
10. paint to match existing color and incidental landscaping.

Work that will not be performed:

1. no siding will be removed,
2. no studs, floor or ceiling joists or rafters will be removed; and
3. no new habitable floor area will be added.



As one can readily ascertain, the rehabilitation work outlined above simply cannot constitute a "reconstruction" project and the project is not subject to further discretionary review as there are no exterior alterations.

The City has raised other issues including permit validity, access to the property, utilities, hazards from the slide, lack of parking, differences between the approved foundation plans and what was built, etc.. We have responded to each item with a reasoned response consistent with accepted City policies and practices enjoyed by the rest of the community.

Attached you will find our filing with the State Historic Building Code Safety Board. This matter is already set for hearing on April 23 and discussions with several Board members indicate that approval is all but assured. It is not our desire that we proceed with this public hearing unless we have no reasonable alternative.

I am hopeful that after review of this case and of our filing with the State Board, you will decide the best course of action for all parties is to find a way to grant Ms. Dye project approval. If you still feel you cannot accomplish this, please provide us with a detailed position as to why you will not approve Ms. Dye's plans and reinstate her permit. Since I must act soon to take this matter off the State Board's calendar, I look forward to hearing from you very soon.

Very truly yours,

ROBERT F. EGENOLF

RFE:hs

Enclosures

Cc: Linda Dye
Roy Harthorn